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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,480	06/22/2005	Peter Axelberg	1511-1040	3318
<div>466 7590 03/18/2009</div> <div>YOUNG & THOMPSON</div> <div>209 Madison Street</div> <div>Suite 500</div> <div>ALEXANDRIA, VA 22314</div>				
EXAMINER				
BARAN, MARY C				
ART UNIT		PAPER NUMBER		
2857				
MAIL DATE		DELIVERY MODE		
03/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,480

Applicant(s)

AXELBERG ET AL.

Examiner

MARY C. BARAN

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9 and 13-17 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 December 2008 has been entered.

Response to Amendment

2. The action is responsive to the request for continued examination filed on 2 January 2009. Claims 1, 2, 4-9 and 11-17 are pending. Claims 1, 4, 6, 7, 9, 11-13 and 15-17 are amended. Claims 3 and 10 are cancelled.

3. The amendments filed on 2 December 2008 are sufficient to overcome the prior objections to the claims and the 35 U.S.C. 112 second paragraph rejections.

Claim Objections

4. Claims 1 and 12 are objected to because of the following informalities:
- (a) Claim 1 page 2, lines 3-4, "steps: of" should be – steps of: --.
 - (b) Claim 1 page 2 line 7, please insert a colon after "comprising".
 - (c) Claim 1 page 2 line 12, please insert a colon after "comprising".

(d) Claim 12 page 12 line 14, "I" should be – (I) –.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 2, 4-9 and 13-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 2, 4-9 and 13-17 are rejected under 35 U.S.C. 101 because they merely recite mathematical methods and algorithms for processing data and do not claim and structure for processing the data nor is there a subsequent physical transformation outside of any computer which may be performing the mathematical method.

A claimed process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article of materials) to a different state or thing. Because neither of these requirements is met by the claim, the method is not a patent eligible process under 35 U.S.C. 101 and is therefore rejected as being directed to non-statutory subject matter. (*In re Bilski*)

Allowable Subject Matter

6. Claims 11 is allowed. Claim 12 is objected to for matters of form listed above, but when the formal matters are corrected, the claim would be allowable.

7. The following is a statement of reasons for the indication of allowable subject matter:

Claim 11 is allowable over the prior art of record because the combination of limitations which recite an arrangement for deciding the direction to a flickering source in relation to a measurement point in an electricity network, the arrangement comprising: a first signal processor for demodulating the current signal and extracting from the demodulated current signal, only the low-frequency current amplitude variations that represent a flicker component for the current signal; a second signal processor for demodulating the voltage signal and extracting, from the demodulated voltage signal, only the low-frequency voltage amplitude variations that represent a flicker component for the voltage signal; a multiplier for creating a product by multiplication of the flicker component for current and the flicker component for voltage; and a processor for processing the product to create one of an average value of the instantaneous power signal and a summation of the partial powers, wherein a flicker power is obtained with a sign value that indicates the direction the flickering source is located in relation to the measurement point is not found, taught or suggested in the prior art of record.

Claim 12 is objected to for matters of form, but when the formal matters are corrected, the claim would be allowable over the prior art because an arrangement for diagnostics at a measurement point in an electrical network, the arrangement comprising: a multiplier for the creation of a power vector by the multiplication, at each

frequency, of a corresponding one of the N complex voltages of the voltage vector with a corresponding one of the N complex currents of the current vector; a first processor for the multiplication of the power vector by a weighting vector to eliminate the power component originating from the network frequency so that the power vector, after the multiplication, comprises partial powers concerning power components from the flickering source; and a second processor for the creation of a flicker power with a sign value, by summation of the partial powers is not found, taught or suggested in the prior art of record.

Response to Arguments

8. Applicant's arguments and amendments with respect to the 35 U.S.C. 112 second paragraph rejections have been fully considered and are persuasive. The previous 35 U.S.C. 112 second paragraph rejections of the claims has been withdrawn.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY C. BARAN whose telephone number is (571)272-2211. The examiner can normally be reached on Monday to Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mary Catherine Baran/
11 March 2009

/Edward Raymond/
Primary Examiner, Art Unit 2857